

1 Introduced by Committee on Natural Resources, Fish, and Wildlife

2 Date:

3 Subject: Conservation and development; water resources; State lands;
4 pandemic response; financial assistance

5 Statement of purpose of bill as introduced: This bill proposes to establish a
6 program to provide financial assistance to wastewater treatment plants to
7 implement additional measures in response to the COVID-19 public health
8 emergency. The bill would also establish an Outdoor Recreation Business
9 Assistance Program to issue grants to outdoor businesses to implement
10 COVID-19 public health precautions. In addition, the bill would appropriate
11 funds to the Agency of Natural Resources to implement COVID-19 public
12 health precautions on Agency lands.

13 An act relating to pandemic response assistance for wastewater treatment
14 facilities, outdoor recreation businesses, and State lands

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. WASTEWATER TREATMENT FACILITY; COVID-19 RESPONSE
17 FINANCIAL ASSISTANCE; APPROPRIATIONS

18 (a) As used in this section:

19 (1) “Biosolids” means sewage sludge that has been subjected to a
20 treatment process for the reduction of pathogens and has been shown to meet
21 the applicable requirements for contaminant concentrations, vector attraction

1 reduction, and pathogen densities, such that the material may be applied to the
2 land under a site specific permit or marketed and distributed to the general
3 public for unregulated use.

4 (2) “Exceptional quality biosolids” means biosolids that have been
5 treated using advanced pathogen reduction technologies that reduce pathogen
6 indicator organism densities to below detection limits, meet vector attraction
7 reduction standards, and meet federal or State applicable contaminant
8 standards and are no longer classified as a solid waste under State or federal
9 rules.

10 (3) “Septage” means the liquid, semi-solid, and solid materials pumped
11 from a septic tank during cleaning.

12 (4) “Sewage sludge” means the solid, semi-solid, or liquid residue
13 generated during the biological treatment of sewage or septage in a wastewater
14 treatment facility.

15 (5) “Wastewater treatment facility” means a treatment plant, collection
16 system, pump station, and attendant facilities permitted by the Secretary of
17 Natural Resources for the purpose of treating sewage.

18 (6) “Wastewater treatment system” has the same meaning as in 10
19 V.S.A. § 1972.

20 (b) The purpose of this section is to provide financial assistance in the form
21 of grants to wastewater treatment facilities in the State that have incurred costs
22 or must expand treatment services in order to respond to the COVID-19 public

1 health emergency. In addition to any funds appropriated to the Agency of
2 Natural Resources in fiscal year 2021, the amount of \$?00,000.00 is
3 appropriated from the Coronavirus Relief Fund for the award of grants in fiscal
4 year 2021 to wastewater treatment facilities for one or more of the following:

5 (1) increased costs or expenses incurred by a wastewater treatment
6 facility to operate due to the COVID-19 public health emergency;

7 (2) costs of equipment or facility construction that a wastewater
8 treatment facility could purchase or conduct to address one or both of the
9 following:

10 (A) expansion of the capacity of a facility to accept septage for
11 treatment in order to address demand for septage treatment due to the increased
12 amounts of septage caused by the unplanned usage of residential wastewater
13 treatment systems due to the COVID-19 public health emergency; or

14 (B) conversion of biosolids into exceptional quality biosolids in order
15 to reduce the public health risks posed by the land application of septage that
16 may contain the COVID-19 coronavirus.

17 (3) costs of technical assistance, design services, or consulting services
18 necessary to determine if a wastewater treatment facility has capacity to accept
19 additional biosolids for treatment or conversion under subdivision (2) of this
20 subsection; or

21 (4) costs of equipment or services necessary for the wastewater
22 treatment facility to conduct contact tracing of the COVID-19 coronavirus.

1 (c) Program terms and limitations.

2 (1) A wastewater treatment facility is not eligible for an award under
3 this section if the wastewater treatment facility will receive reimbursement or
4 assistance for a cost or proposed expense from insurance, another federal grant
5 program, or another source.

6 (2) The Attorney General is authorized to recover funds awarded under
7 this section due to fraud, error, or violation of this section, and the Attorney
8 General or the Secretary of Natural Resources may seek appropriate criminal
9 or civil penalties as authorized by law for fraud, error, or violation of the terms
10 of an award.

11 (3) The name of the recipient of an award and the amount of award are
12 public records subject to inspection.

13 Sec. 2. OUTDOOR RECREATION INDUSTRY; COVID-19 FINANCIAL
14 ASSISTANCE

15 (a) As used in this section:

16 (1) “Commissioner” means the Commissioner of Forests, Parks and
17 Recreation.

18 (2) “Outdoor recreation business” means any person conducting a
19 business or a service within the State that offers outdoor recreation as the
20 principle part of the business or service, including outdoor outfitters, fishing
21 guides, snowmobile tours, ski tours, and other eligible activities approved by
22 the Commissioner. An “outdoor recreation business” shall include for-profit

1 businesses, not-for-profit businesses, and charitable organizations organized
2 under 26 U.S.C. § 501(c)(3).

3 (3) “VOREC” means the Vermont Outdoor Recreation Economic
4 Collaborative.

5 (b) Appropriation; program establishment.

6 (1) The purpose of this section is to provide financial assistance in the
7 form of grants to outdoor recreation businesses to implement COVID-19
8 public health precautions necessary for safe operation.

9 (2) The sum of \$200,000.00 is appropriated from the Coronavirus
10 Relief Fund to Department of Forests, Parks and Recreation in fiscal year 2021
11 for the purpose of establishing a program under VOREC to provide grants to
12 outdoor recreation businesses to comply with or implement COVID-19 public
13 health precautions, including one or more of the following:

14 (A) the costs of cleaning or disinfection services or equipment;

15 (B) personal protection equipment for staff or customers or
16 participants;

17 (C) costs of symptom monitoring or diagnosis to ensure safe
18 participation by customers or participants; or

19 (D) signage or information material to inform staff and customers or
20 participants of necessary public health precautions.

21 (3) In order qualify for assistance under this section, an outdoor
22 recreation business shall:

1 (A) be currently operating or providing services; and

2 (B) accurately demonstrate to the Commissioner **eligible costs or**
3 **expenses** that the outdoor recreation business incurred or will incur on or after
4 March 1, 2020 and before **September 1, 2020**.

5 (c) Implementation.

6 (1) The Commissioner shall create an application form that outdoor
7 recreation businesses shall utilize when applying for an award. Applicants
8 shall certify that all information they provide is truthful and accurate to the best
9 of their knowledge, information, and belief.

10 (2) The Secretary shall, based on the **amount of cost or expense**
11 **documented** by the outdoor recreation business on the date the application is
12 received, provide up to the maximum award authorized under this section.
13 Applications shall be processed in the order received, but an application shall
14 not be ready for evaluation until the Commissioner determines that the
15 application is administratively complete and includes all required proof of
16 economic harm.

17 (d) Payment; maximum. The maximum amount of an award that the
18 Commissioner shall award under this section shall be \$?00,000.00.

19 (e) Application; processing.

20 (1) Once an outdoor recreation business submits a complete application
21 and demonstrates **costs or expenses**, the Commissioner shall promptly issue a
22 payment, provided that the appropriated funds have not been expended. The

1 last payment may be a partial payment consisting of the remaining available
2 funds.

3 (2) Each award under this section shall be a direct payment from the
4 State of Vermont to an eligible outdoor recreation business. Outdoor
5 recreation businesses shall not submit more than one application.

6 (f) Program terms and limitations.

7 (1) Costs or expenses to an outdoor recreation business are not eligible
8 for an award under this section if the outdoor recreation business will receive
9 reimbursement or assistance for the harm from insurance, another federal or
10 State grant program, or another source.

11 (2) The Attorney General is authorized to recover funds awarded under
12 this section due to fraud, error, or violation of this section, and the Attorney
13 General or the Secretary of Natural Resources may seek appropriate criminal
14 or civil penalties as authorized by law for fraud, error, or violation of the terms
15 of an award.

16 (3) The name of the recipient of an award and the amount of award are
17 public records subject to inspection.

18 (4) Any application document for an award under this section containing
19 federal identification numbers and sales amounts are subject to the
20 confidentiality provisions of 32 V.S.A. §3102 and are return information under
21 that section.

1 Sec. 3. APPROPRIATIONS; OUTDOOR RECREATION BUSINESS

2 ASSISTANCE PROGRAM

3 In addition to any other funds appropriated to the Department of Forests,
4 Parks and Recreation for fiscal year 2021, the amount of \$?00,000.00 is
5 appropriated from the Coronavirus Relief Fund to the Department of Forests,
6 Parks and Recreation to administer and implement the Outdoor Recreation
7 Business Assistance Program established under Sec. 2 of this act.

8 Sec. 4. AGENCY OF NATURAL RESOURCES; COVID-19 PUBLIC

9 HEALTH PRECAUTIONS ON STATE LANDS;

10 APPROPRIATIONS

11 (a) In addition to any other funds appropriated to the Agency of Natural
12 Resources in fiscal 2021, the amount of \$?00,000.00 is appropriated from the
13 Coronavirus Relief Fund for the purpose of implementing COVID-19 public
14 health precautions on lands owned or controlled by the Agency of Natural
15 Resources. Eligible projects to implement COVID-19 public health
16 precautions include:

17 (1) updating of signage or information provided at entry to or access to
18 trails, access areas, forests, parks, or other areas where information regarding
19 COVID-19 public health precautions would be available to the users;

20 (2) temporary campsites or structures to allow for proper social
21 distancing of users; and

22 (3) the cost or expense of services or equipment required to clean or

1 sanitize public spaces.

2 (b) All funds appropriated under this section shall be expended on or before
3 December 30, 2020.

4 **Sec. 5. EFFECTIVE DATE**

5 This act shall take effect on passage.